

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
AT DAYTON

IN RE: : Case No. 09-35714
(Chapter 7)
MITCHELL W. ALLEN : (Judge Walter)
YASMEEN ALLEN :
Debtors : **TRUSTEE'S ABANDONMENT**
OF PROPERTY
: **(52 E. Mulberry Street, Lebanon, Ohio)**

Creditor, The National Bank & Trust Company, hereby requests the Trustee to abandon the following property more particularly described as follows:

Real estate located at **52 E. Mulberry Street, Lebanon, Ohio 45036**, more particularly described in the Open-End Mortgage recorded on October 13, 2006, in O.R. Book 4314, page 350, et seq., of the Warren County, Ohio Records, a copy of which is attached hereto.

The Bank is a secured creditor by virtue of a Promissory Note (the "Note") dated October 5, 2006 in the original principal amount of \$243,750.00, which has a current payoff balance owing of **\$239,577.04**. Said Note is secured by an Open-End Mortgage dated October 5, 2006. Copies of the Note and Mortgage are attached hereto as Exhibits A and B, respectively.

Based on the value of the real estate located at **52 E. Mulberry Street, Lebanon, Ohio 45036** of **\$214,850.00** in Debtors' Schedule A, and based upon the payoff balance owing on the Note to The National Bank & Trust Company in the amount of **\$239,577.04**; and considering real estate taxes owing; and after real estate commissions and closing costs, the Trustee has determined that there is no equity in said property for the benefit of Creditors, and hereby abandons any interest in said property.

Should the above-referenced property sell for an amount in excess of Creditor's payoff amount, Creditor shall remit the balance to the Trustee.

12/16/09
Date

/s/ Paul Spaeth, Trustee, by Malinda L.
Langston per written authorization
Paul Spaeth, Trustee

KOHLEN & PATTON LLP
Attorneys for Creditor, The
National Bank & Trust Co.

By: /s/ Malinda L. Langston
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CERTIFICATION

I hereby certify that no request for further notice of abandonment has been filed from any party in interest.

/s/ Malinda L. Langston
Malinda L. Langston

CERTIFICATE OF SERVICE

I hereby certify that on this 18th of December, 2009, a copy of the foregoing Trustee's Abandonment was **electronically served** on the following registered ECF participants, electronically through the Court's transmission facilities at his/her e-mail address registered with the Court:

Donald F. Harker, Esq.
Attorney for Debtors
dharkerlaw@donet.com

Paul Spaeth, Trustee
spaethlaw@phslaw.com

U.S. Trustee
ustpreion09.cb.ecf@usdoj.gov

and on all parties who have requested notice have been served electronically through the Court's ECF System at the e-mail address registered with the Court.

and a copy of the Abandonment was served on this 18th day of December, 2009, by ordinary U.S. mail upon the following:

Mitchell W. Allen
4035 Westridge Drive
Mason, Ohio 45040

Yasmeen Allen
4035 Westridge Drive
Mason, Ohio 45040

HSBC Bank Nevada, N.A.
Bass & Associates, P.C.
3936 E. Ft. Lowell Road
Suite 200
Tucson, AZ 85712

/s/ Malinda L. Langston
Malinda L. Langston